

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPERIOR COURT  
ESCR2009-1486

COMMONWEALTH

V.

MARIE MOREY

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**COMMONWEALTH'S SENTENCING MEMORANDUM**

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The defendant, Marie Morey, is charged with stealing more than two million dollars from the Lawrence District Court. The defendant has expressed a desire to plead guilty. In anticipation of the defendant's guilty plea, the Commonwealth states as follows:

**FACTS**

The defendant was formerly employed as the bookkeeper in the Probation Department of the Lawrence District Court. As bookkeeper, she had access and control over significant amounts of cash and money orders which flowed into the Court on a daily basis for such things as restitution payments, probation fees, victim-witness fees, and other such fees. The Lawrence District Court is one of the busiest courts in the Commonwealth with a considerable daily caseload.

The defendant had high-level clearance to the Probation Department's computerized accounting system which gave her the opportunity to make adjustments and overrides to probationer accounts while easily avoiding detection. Moreover, having final access to both cash and money orders on a

daily basis, the defendant was able to substitute money orders for cash, take the cash, and still maintain what appeared to be accurate final daily balances for bank deposits. Through the defendant's intricate knowledge of the probation department's accounting system and by way of such highly sophisticated and elaborate schemes, the defendant was able to conceal her ongoing and continuous criminal conduct for a period of approximately three and one-half years.

The end result was the theft of more than two-million dollars from the Commonwealth of Massachusetts.

#### **COMMONWEALTH'S SENTENCE RECOMMENDATION**

The defendant is charged with Larceny of Property in an amount that exceeds Two-Hundred and Fifty Dollars (\$250.00). The maximum penalty allowed by the statute upon conviction is no more than five (5) years in state prison. The statute does not permit increased penalties based on various amounts exceeding \$250.00. Quite simply, the statutorily proscribed penalty is the same, five (5) years, regardless of the amount stolen. The Commonwealth, as well as the Court, is bound by this statute.

In addition, the evidence in this case suggests that the successive takings were actuated by a single, continuing criminal impulse or intent or were otherwise pursuant to the execution of a general larcenous scheme. As such, as our appellate courts have interpreted the larceny statute, these successive takings constitute a single scheme. As a result, the Grand Jury is limited in the number of indictments it may issue.

To that end, the Commonwealth recommends that the defendant be punished by a period of incarceration in the state prison for a period of not less than three (3) years, nor more than five (5) years. This term of incarceration is to be followed by a period of probation for not less than ten (10) years, with conditions and restitution payments to be set by the court.

The money the defendant stole belonged to the public. Her position as a bookkeeper in the Probation Department of the Lawrence District Court gave her access to significant amounts of public money on a daily basis. With her job came the highest degree of duty, trust and responsibility. Unfortunately, her conduct in this case constitutes an egregious betrayal of that duty, trust and responsibility. It is the Commonwealth's position that a term of incarceration greater than five years would be most appropriate in these circumstances. In fact, if authorized by law, the Commonwealth would request a greater period of incarceration. The law as it stands today, however, does not permit the Commonwealth to make such a request.

For the Commonwealth:

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